

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3 - 06 -70022 JCS
	)	
Plaintiff,	)	<del>[PROPOSED]</del> ORDER REGARDING
	)	DETENTION – 18 U.S.C. §§ 3141, 3142
v.	)	
	)	SAN FRANCISCO VENUE
RALPHYRAN MERCY PIOL,	)	
a/k/a	)	
Rodolfo Awa Piol,	)	
	)	
Defendant.	)	
	)	
	)	

\_\_\_\_\_ The above-entitled matter came on for a detention hearing of defendant Ralphryan Mercy PIOL a/k/a Rodolfo Awa Piol (“PIOL”) on Friday, January 20, 2006, before the Honorable Joseph C. Spero, United States Magistrate for the Northern District of California, with appearances by Timothy Lucey, Assistant United States Attorney, for the Plaintiff, and Daniel Blank, Assistant Federal Public Defender, for the Defendant.

Oral argument having been made by both parties along with a written report from Pre-Trial Services, the Court ruled as follows:

The Court considered all of the information, evidence, and argument presented by counsel

~~[PROPOSED]~~ ORDER REGARDING DETENTION

1 for the government as well as counsel for the defendant Piol, pursuant to 18 U.S.C. § 3142(g).

2 The Court, after considering all such information, evidence, and argument, finds by  
3 preponderance of the evidence, that no condition or combination of conditions for the release of  
4 defendant PIOL will reasonably assure his appearance as required, such that the Court finds that  
5 the defendant presents a serious risk of flight, based, in particular, on the following available  
6 information:

- 7 • Defendant PIOL has no ties to this District and has been unemployed since 2003;
- 8 • Defendant PIOL has been residing in the country of the Philippines for the past six  
9 (6) months, and furthermore, that he <sup>JCS</sup> may have misled Pre-Trial Services about  
10 this fact during the course of his recent interview with Pre-Trial Services in  
11 connection with this hearing; and,
- 12 • The nature and circumstances of the offense charged, 18 U.S.C. § 911, and  
13 supported by probable cause, charges that defendant had falsely presented himself  
14 as a United States citizen when he had previously relinquished his United States  
15 citizenship at least ten (10) years earlier, and specifically that he had attempted to  
16 enter the country at San Francisco International Airport on or about January 16,  
17 2006, by using a United States citizen passport at the “customs line” reserved for  
18 United States citizens and, when confronted by agents about his status, stating that  
19 he was a United States citizen.

20 ACCORDINGLY, THE COURT HEREBY ORDERS THAT the defendant PIOL be  
21 detained in custody.

22 The Court further orders and directs, pursuant to 18 U.S.C. § 3141(i): that the defendant  
23 be committed to the custody of the Attorney General for confinement in a corrections facility  
24 separate, to the extent practicable, from persons awaiting or serving sentences or being held in  
25 custody pending appeal; that the defendant be afforded reasonable opportunity for private  
26 consultation with his counsel; and, that, on order of a court of the United States or on request of  
27 an attorney for the Government, the person in charge of the corrections facility in which the  
28 person is confined deliver the person to a United States Marshall for the purpose of an

1 appearance in connection with a court proceeding.

2 Defendant is ordered to appear before the Honorable Joseph C. Spero of this Court on  
3 January 31, 2006, at 9:30 a.m., for the Preliminary Hearing and/or Arraignment.

4  
5 IT IS SO ORDERED.

6 DATED: January 30, 2006

  
7 HON. JOSEPH C. SPERO  
8 United States Magistrate  
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